IN RE: PETITION FOR VARIANCE

N/S North Boundary Road, 150' W of

the c/l Melbourne Road

(8222 North Boundary Road)

12th Election District

5th Councilmanic District

Eric William Kokosinski

Petitioner

* BEFORE THE

* DEPUTY ZONING COMMISSIONER

* OF BALTIMORE COUNTY

* Case No. 99-358-A

*

* * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner for consideration of a Petition for Variance filed by the owner of the subject property, Eric William Kokosinski. The Petitioner seeks relief from Sections 1B02.3.B (214.1) and 301.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 2 feet in lieu of the required 11.25 feet for a covered patio. The Petition was filed as the result of a zoning violation notice the Petitioner received from the Code Enforcement Division of the Department of Permits and Development Management (DPDM) as to the construction of a roof over an existing patio without the requisite building permits. The Petitioner was subsequently advised to file the instant Petition to legitimize existing conditions. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the request were Eric and Kim Kokosinski, property owners. There were no Protestants or other interested persons present.

Testimony and evidence revealed that the subject property consists of a gross area of 0.0781 acres, more or less, zoned D.R.16 and is improved with an end of group, single family townhouse dwelling. At issue in this case is the roof the Petitioners recently constructed over an existing concrete pad on the west side of their dwelling. Testimony indicated that during stormy weather,

ITC SONVENEUR FILING

Date Date Date Date HING

rain was being blown into the basement on that side of the dwelling and the Petitioners determined that adding the roof over the patio on that side of the house would eliminate that problem. Mr. Kokosinski testified that he intends to install gutters and downspouts to the roof structure to direct storm water runoff out to the alley behind their home. Furthermore, testimony indicated that the concrete pad under the roof will not be used as a carport, but will be used as an open, covered patio. The Petitioners do not intend to enclose the patio, but simply wish to cover it with a roof.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. <u>McLean v. Soley</u>, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether a grant of the variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief; and,
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the property which is the subject of this request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the relief requested will not cause any injury to the public health, safety or general welfare, and meets the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this day of May, 1999 that the Petition for Variance seeking relief from Sections 1B02.3.B (214.1) and 301.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 2 feet in lieu of the required 11.25 feet for a covered patio, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
- 2) The Petitioners are prohibited from enclosing the patio. Moreover, they are prohibited from using the patio as a carport.
- 3) The Petitioners shall install gutters and downspouts on the roof over the patio to direct all storm water runoff to the alley to the rear of their home.
- 4) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner

for Baltimore County

TMK:bis



Suite 405, County Courts Bldg. 401 Bosley Avenue Towson, Maryland 21204 410-887-4386 Fax: 410-887-3468

May 27, 1999

Mr. & Mrs. Eric W. Kokosinski 8222 North Boundary Road Baltimore, Maryland 21222

RE: PETITION FOR VARIANCE

N/S North Boundary Road, 150' W of the c/l of Melbourne Road

(8222 North Boundary Road)

12th Election District – 5th Councilmanic District

Eric William Kokosinski - Petitioner

Case No. 99-358-A

Dear Mr. & Mrs. Kokosinski:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

TIMOTHY M. KOTROCO

Deputy Zoning Commissioner

luntly lotrow

for Baltimore County

TMK:bjs

cc: Code Enforcement Division, DPDM; People's Counsel; Case File



Petition for Variance

to the Zoning Commissioner of Baltimore County for the property located at 8222 N Boundary Rd. which is presently zoned D.R. 16

	This Petition shall be filed with the Department of Permits owner(s) of the property situate in Baltimore County and which made a part hereof, hereby petition for a Variance from Section	is described in the description and plat attached hereto and
	TO PERMIT A SISEJARD SETBACK of B 11.25ft. FOR A COUEPED	
	of the Zoning Regulations of Baltimore County, to the zoning la hardship or practical difficulty) Rain was being blow Storming weather which most often I decided to have a roof Construtar enough to Keep Out the Print Labouse (Gutter, downspout, PVC Drain Property is to be posted and advertised as prescribed by the zol, or we, agree to pay expenses of above Variance, advertising, posti regulations and restrictions of Baltimore County adopted pursuant to	resulted in a flooded Basement. cted on that side of the house in pipe out to alley) oning regulations. ng. etc. and further agree to and are to be bounded by the zoning
		I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.
	Contract Purchaser/Lessee:	<u>Legal Owner(s):</u>
	ERIE WILLIAM KOKOSINSKI	BRIC WILLIAM KOKOSINSKI
	Name - Type or Print	Name - Type or Print
	Signature - 8222 N. Bevordney Rd 410 284-4635	Signature ERIC WILLIAM KOKOSINSKI
	Address Telephone No.	Name - Type or Print
	City State Zip Code	Signature Ja.
	Attorney For Petitioner:	8222 N. BoundARYRd. 410-284-4635em
		Address Telephone No. BAHIMORE, Md. 21222
	Name - Type or Print	City State Zip Code
		Representative to be Contacted:
.3	Signature	Same
3	Company	Name
	Address Telephone No.	Address Telephone No.
7	City State Zip Code	City State Zip Code
		OFFICE USE ONLY
1	Case No. 99-358-A	ESTIMATED LENGTH OF HEARING
	Gase No. 97-336.A	UNAVAILABLE FOR HEARING
	R80 915198	-

Zoning Description

Zoning description for 8222 N. Boundary Road

Beginning at a point on the North side of North Boundary Road which is 40 feet wide at the distance of 150 feet West of the centerline of the nearest improved intersecting street Melborne Road which is 40 feet wide. * Being Lot # 40, Block P, Section #3 in the subdivision of Gray Haven as recorded in Baltimore County Plat Book#27, Folio #137 containing 3,400 square feet.

Also known as 8222 North Boundary Road and located in the 12th Election District, 5th Council manic District

ROTRE OF ZOMMS HEARING

The Zoning Commissioner of Battimore County, by authority of the Zoning Act and Regula-tions of Battimore County will hold a public hearing in <u>Tow-</u> <u>son</u>. <u>Maryland</u> on the property identified herein as follows:

Case: #99-358-A 8222 North Boundary Road NS of North Boundary Road, -150' +/- W of centerline Met-bourne Road 12th Election District 5th Councilmanic District Legal Owner(s): Eric William Kokosinski

Variance: to permit a side yard setback of 2 feet in lieu of the required, 11.25 feet for a

the required 11.25 rest for a covered patio. Hearing: Wednesday, April 28, 1999 at 9:00 a.m. in Room 106; County Office Building, 111 West Chesapeake Avenue.

LAWRENCE E. SCHMIDT Zoning Commissioner for Baltimore County

MOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-4386.

(2) For information concern-(2) FOR MOTHABUSE Concern-ing the File and/or Hearing, Contact the Zoning Review Of-fice at (410) 887-3391.

4/165 April 8 C303040

CERTIFICATE OF PUBLICATION

TOWSON, MD., 48, 1999
THIS IS TO CERTIFY, that the annexed advertisement was
published in THE JEFFERSONIAN, a weekly newspaper published
in Towson, Baltimore County, Md., once in each of successive
weeks, the first publication appearing on 48 , 1999.
THE JEFFERSONIAN,
S. Wilkingon
LEGAL ADVERTISING
LEGAL ADVERTISING

BALTIMORE COUNTY, M/ 'LAND OFFICE OF BUDGET & FINANCE MISCELLANEOUS RECEIPT	358 No. 065403	PAID RECEIPT PROCESS ACTUAL TIME
DATE	Foot- 8150 8	1/18/1999 3/17/1999 14:54:20 EG MSO1 CASHIER CLUN CHL EPPRER S MISCELLANDIS CASH RECEIPT
RECEIVED FROM: (OIC) UM.	52. 2 N. 	Receipt # 095209 UFLIF R NO. 065403 50.00 WOMEY OPD Baltimore County, Maryland
DISTRIBUTION WHITE - CASHIER PINK - AGENCY YELLOW - CU:	99.35	CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: CASE # 99-358-A
PETITIONER/DEVELOPER:
[Eric W. Kokosinski)
DATE OF Hearing
(April 28, 1999)

Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Ave. Towson, Maryland 21204

ATTENTION: MS. GWENDOLYN STEPHENS

LADIES AND GENTLEMEN:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at 8222 North Boundary Road Baltimore, Maryland 21222______

The sign(s) were posted on_____ 4-13-99_____

[Month, Day, Year]

Sincerely,
(Signature of Sign Poster & Date)
Thomas P. Ogle, Sr
325 Nicholson Road
Baltimore, Maryland 21221
(410)-687-8405 (Telephone Number)

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:
Item Number or Case Number: 358
Petitioner: ERIC KOKOSINSKI
Address or Location: 8222 N. BOUNDARY Po. BALO, M.J. 21222
PLEASE FORWARD ADVERTISING BILL TO:
Name:
Address:SANL
Telephone Number: (410) 284-4635

Revised 2/20/98 - SCJ

99.358-A

Request for Zoning: Variance, Special Exception, or Special Hearing
Date to be Posted: Anytime before but no later than
Format for Sign Printing, Black Letters on White Background:
ZONING NOTICE
Case No.: 99.358 A
Case Itu.: 717 OO D //
A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER IN TOWSON, MD
IN TO HOOK MAD
PLACE:
DATE AND TIME:
REQUEST: A VARIANCE TO PERMIT A SIDEYARD
SETBACK of 2ft. IN LIEU of The
PEQUIPED 11-25ft- FOR A COVERED PATIO.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 887-3391.

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE

TO: PATUXENT PUBLISHING COMPANY

April 8, 1999 Issue - Jeffersonian

Please forward billing to:

Eric Kokosinski

410-284-4635

8222 N. Boundary Road Baltimore, MD 21222

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 99-358-A 8222 North Boundary Road

N/S of North Boundary Road, 150' +/- W of centerline Melbourne Road

12th Election District – 5th Councilmanic District

Legal Owner: Eric William Kokosinski

Variance to permit a side yard setback of 2 feet in lieu of the required 11.25 feet for a covered patio.

HEARING: Wednesday, April 28, 1999 at 9:00 a.m. in Room 106, County Office

Building, 111 West Chesapeake Avenue

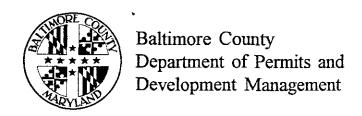
ce E. Sciencit

LAWRENCE E. SCHMIDT

ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE: FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.

> (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



Development Processing County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204 pdmlandacq@co.ba.md.us

March 30, 1999

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 99-358-A 8222 North Boundary Road N/S of North Boundary Road, 150' +/- W of centerline Melbourne Road

12th Election District – 5th Councilmanic District Legal Owner: Eric William Kokosinski

<u>Variance</u> to permit a side yard setback of 2 feet in lieu of the required 11.25 feet for a covered patio.

HEARING: Wednesday, April 28, 1999 at 9:00 a.m. in Room 106, County Office

Building, 111 West Chesapeake Avenue

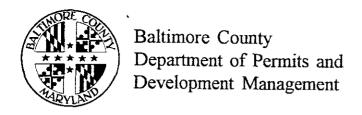
Arnold Jablon Director

Difector

c: Eric Kokosinski Rose Kokosinski

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY APRIL 13, 1999.

- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



Development Processing County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204 pdmlandacq@co.ba.md.us

April 22, 1999

Mr. Eric William Kokosinski 8222 N. Boundary Road Baltimore, MD 21222

RE: Case No.: 99-358-A

Petitioner: Eric Kokosinski Location: 8222 N. Boundary Rd.

Dear Mr. Kokosinski:

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM), on March 17, 1999.

The Zoning Advisory Committee (ZAC), which consists of representatives from several Baltimore County approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency.

Very truly yours,

W. Carl Richards, Jr.

Zoning Supervisor Zoning Review

WCR: ggs

Enclosures

Come visit the County's Website at www.co.ba.md.us





700 East Joppa Road Towson, Maryland 21286-5500 410-887-4500

April 15, 1999

Arnold Jablon, Director
Zoning Administration and Development Management
Exitimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Groperty Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF March 29, 1999

Item No.: See Below Zoning Agenda:

Gentlamen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

The Fire Marshal's Office has no comments at this time, IN REFERENCE TO THE FOLLOWING ITEM NUMBERS:

356, 358, 359, 360, 361, 362, 363, 364, 365, and 366

REVIEWER: LT. ROBERT P. SAUERWALD

Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File

BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT INTER-OFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

Permits and Development Management

DATE: 4/6/99

FROM:

R. Bruce Seeley, Project Manager RD3/40

Development Coordination

DEPRM

SUBJECT:

Zoning Advisory Committee

Distribution Meeting Date: 3/29/99

The Department of Environmental Protection and Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s:

360 361

362

J64

366

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

Date: April 6, 1999

Department of Permits & Development

Management

Robert W. Bowling, Supervisor
Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

for April 5, 1999

Item Nos. 356, 357, 358, 359, 360, 361, 362, 364, and 366

The Bureau of Development Plans Review has reviewed the subject zoning items, and we have no comments.

RWB:HJO:jrb

cc: File



Parris N. Glendening Gavernor John D. Porcari Secretary Parker F. Williams Administrator

Date: 3.30.99

Ms. Gwen Stephens Baltimore County Office of Permits and Development Management County Office Building, Room 109 Towson, Maryland 21204

RE:

Baltimore County

Item No. 358

Mol

Dear. Ms Stephens:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

P. J. Soll Le Michael M. Lenhart, Acting Chief Engineering Access Permits Division

Jim 4/28

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Date: March 29, 1999

TO: Arnold Jablon, Director

Department of Permits

and Development Management

FROM: Arnold F. 'Pat' Keller, III, Director

Office of Planning

SUBJECT: Zoning Advisory Petitions

The Office of Planning has no comment on the following petition (s):

Item No (s): 340, 347, 348, 356, 358, 360, 361, and 364

If there should be any questions or this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 410-887-3480.

Section Chief: Jeffry W. Long

AFK/JL

RE: PETITION FOR VARIANCE	*	BEFORE THE
8222 N. Boundary Road, N/S N. Boundary Rd, 150' +/- W of c/l Melbourne Rd, 12th Election	*	ZONING COMMISSIONER
District, 5th Councilmanic	*	FOR
Legal Owners: Eric W. Kokosinski	*	BALTIMORE COUNTY
Petitioner(s)	*	Case Number: 99-358-A
	-	9

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates of other proceedings in this matter and of the passage of any preliminary or final Order.

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

CAROLE S. DEMILIO

les Denilis

ter May Timmeran

Deputy People's Counsel

Old Courthouse, Room 47

400 Washington Avenue

Towson, MD 21204 (410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this day of March, 1999, a copy of the foregoing Entry of Appearance was mailed to Legal Owner Eric W. Kokosinski, 8222 N. Boundary Road, Baltimore, MD 21222, Petitioner(s).

PETER MAX ZIMMERMAN

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

DATE:

March 30, 1999

TO:

Larry E. Schmidt

Zoning Commissioner

FROM:

James H. Thompson - RR

Code Enforcement Supervisor

SUBJECT: ITEM NO.:

358

PETITIONER:

Eric William Kokosinski

VIOLATION CASE NO.:

98-4283

LOCATION OF VIOLATION:

N/S of N. Boundary Road, 150' +/- W of centerline

of Melbourne Road (8222 N. Boundary Road)

12th Election District

DEFENDANT(S):

Eric William Kokosinski

Please be advised that the aforementioned petition is the subject of an active violation case. When the petition is scheduled for a public hearing, please notify the following person(s):

NAME

ADDRESS

Rose Kokosinski

8222 N. Boundary Road Baltimore, Maryland 21222

After the public hearing is held, please send a copy of the Zoning Commissioner's Order to the Code Enforcement Supervisor, so that the appropriate action may be taken relative to the violation case.

JHT/rr/lmh

71.0				
North date: 2-16-99 prepared by: Scale of Drawing: 1"=	MELBORNE RD N. BOUNDARY ROAD ()	25' Bezz	Zichard · Elizabeth - 8220 1 4 8222 7 8224 PArcer Barries TAX# 12 02 025280 20000 1 4 800000 1 4 1 12 11 089980	Plat to accompany Petition for Zoning X Variance PROPERTY ADDRESS: 8222 North Boundary Road See Pages 5 & 6 of the CHI Subdivision name: Stay Haven [Plat book#27, tollo# 137, loi# 40, section# 3] OWNER: FRIC William Kokosinski
Zoning Office USE ONLY! reviewed by: ITEM #: CASE#:	SEWER: SE	Councilmanic District: 12 Councilmanic District: 12 1'=200' scale map#: 5.E, 3-6 Zoning: D.R, -16 Lot size: 5.0781 3,400 acreage square test	Vicinity Map Washe: 1'=1000'	Variance Special Hearing ges 5 & 6 of the CHECKLIST for additional required information Subject prop. 8722 w. Sundani North Solvente Solvente North Solvente Solvente North Solvente Solvente So

99.358-A

